

Frank Monfrey

Deposition

December 9, 2005

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

EEOC,
Plaintiff,

and

SHOTSAY POSCIRI,
Plaintiff-Intervenor,

vs.

UNITED FREIGHT &
TRANSPORT, INC.,
Defendant.

Case No. A05-122 CV

DEPOSITION OF FRANK MONFREY,

Pages 1-149, inclusive

Commencing at 9:44 a.m.

Friday, December 9, 2005

Anchorage, Alaska

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EXHIBIT F
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1 A. Yes, ma'am.

2 Q. And those are the only nonunion people?

3 A. Yes, ma'am.

4 Q. How would they deal with a discrimination
5 complaint?

6 A. It would have to be brought to me.

7 Q. Do you have any nonunion truck drivers?

8 A. No, ma'am.

9 Q. Are you familiar with the company's finances?
10 Is that something that you deal with as part of your --

11 A. Yes, ma'am.

12 Q. Are you aware that the EEOC sent out
13 interrogatories requesting information about your
14 financial status about the company?

15 A. No, ma'am.

16 Q. Were you ever requested to compile documents
17 about the company's financial status?

18 A. No, ma'am.

19 Q. Do you know whether or not Ms. Mansfield was
20 ever asked to compile documents for the company's
21 financial status?

22 A. I do not know.

23 Q. Would she have the access to that type of
24 information?

25 A. She would not, but she would not be able to

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1 send it without my approval.

2 Q. Without your approval. Did she ask you whether
3 or not she could have your approval?

4 A. No, ma'am.

5 Q. Okay. I'll represent to you that your
6 attorneys have objected and not turned over any financial
7 documentation and the EEOC has notified them of our
8 opposing that decision to object. What I would like for
9 you to do right now is look over some files, which I'll
10 have marked as the exhibit in sequential order.

11 (Exhibits 42 and 43 marked.)

12 BY MS. HEALY:

13 Q. Do you recognize either of these printouts?

14 MR. EVANS: Can I ask a question? Were these
15 documents produced to us at all?

16 MS. HEALY: No, I just -- no, they weren't.

17 THE WITNESS: No.

18 BY MS. HEALY:

19 Q. These are printed from two different databases.
20 One is done on Brad Street and the one is on a LEXUS
21 database. And they are publically available company
22 records. Would you mind looking through them and see if
23 you know if they are accurate? And you're the person to
24 ask about the financial information about the company; is
25 that right?

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1 Q. And did you have a chance to review the
2 documents?

3 A. I looked through them, yes.

4 Q. And is the information in those documents
5 accurate?

6 MR. EVANS: I'm going to object and instruct
7 the witness not to answer the question.

8 MS. HEALY: Not to answer the question on what
9 basis?

10 MR. EVANS: On the basis that we have a pending
11 objection as to status of United Freight's financial
12 information. We advised you of that objection. We told
13 you we would seek a protective order, and to let us know
14 if you wanted us to do so. You didn't respond, and now
15 you're asking him questions that lead to uncovering that
16 financial information in the deposition. So I'm going to
17 instruct him not to answer.

18 MS. HEALY: And I will respond. The objection
19 that was stated was to the company providing me any
20 financial information. This information was obtained by
21 another source. You are correct that we have a current
22 dispute over whether or not the EEOC at this time, in a
23 federal law suit, not a state court action, is entitled
24 to financial information, which goes directly to punitive
25 damages in this case.

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1 Because you're instructing the witness not to
2 answer, for the record, I will open -- keep open this
3 deposition pending the outcome of any motions filed in
4 court. And I would appreciate you to reconsider your
5 objection to this witness testifying on documents of
6 public record.

7 MR. EVANS: Okay.

8 MS. HEALY: Are you instructing the witness not
9 to answer any questions based on the public records,
10 which were presented today?

11 MR. EVANS: I'm instructing him not answer any
12 questions that would reveal United Freight's financial
13 information.

14 MS. HEALY: Are you instructing him not to
15 answer the pending question, and that is, whether or not
16 these documents are accurate?

17 MR. EVANS: With respect to the financial
18 information contained therein, yes.

19 MS. HEALY: Okay. I don't have any further
20 questions then.

21 MR. LEGACKI: I don't have any further
22 questions.

23 MS. KUCUK: I have no further questions.

24 MR. EVANS: I don't have any questions.

25 (Proceedings concluded at 3:18 p.m.)
(Signature reserved.)